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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS NEWTON,

Defendants.

CASE NO. 1:22-CR-00120-ADA-BAM

STIPULATION REGARDING SETTING CASE
FOR A CHANGE OF PLEA HEARING; AND
ORDER

DATE: December 13, 2023
TIME: 1:00 P.M.
COURT: Hon. ANA DE ALBA

STIPULATIONS

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on December 13, 2023.
2. By this stipulation, Marcus Newton now **moves to vacate the status conference and set the case for a change of plea hearing on January 16, 2024 at 8:30 a.m.,** and to exclude time between December 13, 2023, and January 16, 2024 at 8:30 a.m., under 18 U.S.C. § 3161(h)(7)(A), B(i) and (ii).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video, audio recordings, cell phone extractions, and other voluminous materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time consult with his/her client, review the voluminous discovery, and conduct independent investigation.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 13, 2023 to January 16, 2024 at 8:30 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii) [Local Code T4] because it is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 14, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

1 Dated: November 14, 2023

/s/ Christina Corcoran

Christina Corcoran
Counsel for Defendant
Marcus Newton

5 **ORDER**

6 IT IS SO ORDERED that the status conference set for December 13, 2023, is vacated. A change
7 of plea hearing is set for **January 16, 2024, at 8:30 a.m. before the District Judge.** Time is excluded
8 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii).

9 IT IS SO ORDERED.

10 Dated: November 16, 2023

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE